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Attorney for Intervenor-Applicant  
CITY AND COUNTY OF HONOLULU

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

GERARD K. PUANA,

Plaintiff,

vs.

KATHERINE P. KEALOHA, LOUIS  
M. KEALOHA, MINH-HUNG  
"BOBBY" NGUYEN, DANIEL  
SELLERS, NIAL SILVA, WALTER  
CALISTRO, DRU AKAGI, JOHN  
and/or JANE DOES 1-50,

Defendants.

CIVIL NO. 16-00659 JMS/WRP

INTERVENOR-APPLICANT CITY  
AND COUNTY OF HONOLULU'S  
STATUS REPORT; CERTIFICATE OF  
SERVICE

Status Conference

Date: Friday, August 14, 2020

Time: 9:30 a.m.

Judge: Honorable Wes R. Porter

Trial Date: None

INTERVENOR-APPLICANT CITY AND COUNTY OF HONOLULU'S  
STATUS REPORT

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INTERVENOR-APPLICANT CITY AND COUNTY OF HONOLULU (hereinafter "City") submits its Second Status Report pursuant to the Court's Electronic Order setting the August 14, 2020 Status Conference (ECF No. 70). For the reasons discussed below as well as the findings and information in the Court's Stay of Proceedings, dated September 9, 2019 (ECF No. 56) ("Stay Order"), City submits that the Court should continue the stay until the related criminal matters are completed.

**I. PROCEDURAL HISTORY OF THE CASE**

This instant case is a civil lawsuit brought by Plaintiff Gerard Puana ("Plaintiff") against former and current employees of the City and County of Honolulu: Katherine Kealoha ("Defendant Katherine K."), Louis M. Kealoha ("Defendant Louis K."), Minh-Hung "Bobby" Nguyen ("Defendant Nguyen"), Daniel Sellers ("Defendant Sellers"), Niall Silva ("Defendant Silva"), Walter Calistro ("Defendant Calistro"), and Dru Akagi ("Defendant Akagi") (collectively "Defendants"). Plaintiff asserts various federal and state law claims against the Defendants based on allegations that: (1) Defendant Katherine K. presented a fake and fraudulent trust document to the title company in an effort to obtain a reverse mortgage on her grandmother Florence Puana's house, (2) following the arrest of Plaintiff on June 27, 2011, Defendants Katherine K., Sellers, and Nguyen unlawfully

entered Plaintiff's home and removed items including approximately \$15,000.00 in cash, (3) Plaintiff was incarcerated for 72 days because Katherine K. falsely represented to family members that Plaintiff's arrest was related to a drug problem, and told the family members not to bail out Plaintiff, (3) Katherine K. met with Plaintiff and convinced him to enter a residential drug treatment program despite the fact that Plaintiff did not have a drug problem, (4) Plaintiff and Florence Puana became engaged in a bitter and sharply contested civil litigation with Katherine K. over issues related to the reverse mortgage taken out by Katherine K., (5) on June 22, 2013, Defendants Katherine K and Louis K. called 911 to report that their personal mailbox had been taken, (6) seven days after the mailbox was reported stolen, Katherine K. falsely reported to HPD that Plaintiff was the person on the surveillance film taking her mailbox, (7) several HPD officers, including Defendants Nguyen, Calistro, Akagi, and Silva mishandled evidence, falsified reports, otherwise failed to perform investigative and normal police duties in order to ensure that Plaintiff would be prosecuted for the mailbox theft, and (8) Defendant Louis K. deliberately caused a mistrial by revealing information clearly precluded by applicable court rules. Plaintiff alleges that as a result of the Defendants' actions, Plaintiff was arrested, incarcerated, prosecuted, and defamed in violation of rights guaranteed to him by applicable provisions of the Constitution of the United States and the Constitution of the State of Hawaii.

Based on the allegations above, some of the Defendants were criminally indicted in two factually related matters: [1] *United States v. Katherine Kealoha, et al*, Cr. No. 17-00582 JMS-WRP; and [2] *United States v. Katherine Kealoha, et al*, Cr. No. 18-00068 JMS-WRP. Both cases were set for sentencing on March 17, 2020. However, it appears that sentencing for Defendants Katherine K., Louis K., and Nguyen has yet to occur due to covid-19 related restrictions which have forced the Court to postpone the proceedings to a later date, after consultation with criminal counsel. Additionally, it appears based on the Court's Stay Order that there are still post-trial motions, previously filed by some of the named Defendants herein.

## **II. CITY'S POSITION**

As stated in the City's prior status report, it is reasonable to expect several of the Defendants will pursue an appeal of the trial, and will thereby continue to assert valid constitutional rights and privileges as a basis to refuse to meaningfully participate (or refuse to participate at all) in the discovery process. As Plaintiff alleges in his Complaint, the Defendants' actions constitute the foundation of his claims; therefore, in the interests of justice and fairness to the City (and all parties), the Court should continue its stay of the instant matter.

City respectfully requests that the Court's Stay Order continue until criminal liability no longer provides any of the named Defendants a basis to impede discovery in the instant matter.

DATED: Honolulu, Hawai'i, August 7, 2020.

PAUL S. AOKI  
Acting Corporation Counsel

By: /s/ Traci Rei Morita  
TRACI REI MORITA  
Deputy Corporation Counsel

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Civil No. CV16-00659 JMS/WRP

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that, on the date and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses as shown below:

**Served Electronically through CM/ECF:**

ERIC A. SEITZ, ESQ.  
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GERARD K. PUANA

**Served via U.S. Mail, Postage Prepaid:**

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Defendant

LOUIS M. KEALOHA  
Kahala Beach Apartments  
499 Kahala Avenue, Unit 171  
Honolulu, Hawaii 96816

Defendant

DATED: Honolulu, Hawai‘i, August 7, 2020.

PAUL S. AOKI  
Acting Corporation Counsel

By: /s/ Traci Rei Morita  
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